RECEIVED
CENTRAL FAX CENTER

SEP 1 1 2006

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 7, 10-12, 14 and 15 are pending and stand rejected. Claims 7 and 12 stand rejected under 35 USC 103(a) as being unpatentable over Wu (US Published Patent Application US 2003/0161404).

The instant Office Action states that Wu discloses the majority the elements recited in the claims and further states that Wu "is silent with regard to explicitly mention [sic], converting the motion vector to a full motion vector. However Wu ... teaches that the motion vector being down-sampled and further indicates that in either case the motion vectors output from the resolution-converting motion estimator have full resolution. Therefore, in view of the above, it would have been obvious ... that in order to have a full resolution the motion vector would carry all pixels and therefore, consider as a full motion vector." (see OA page 3, line 17-page 4, line 3).

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims.

Wu describes, in one aspect, a device for decoding a coded moving picture signal by a resolution converting motion compensation process and a resolution converting inverse discrete cosine transform both of which decrease the resolution of the picture thereby reducing the amount of reference picture data that has to be stored and accessed. (see Abstract). Figure 1 illustrates one embodiment of the decoding device disclosed by Wu, which is referred to in the Office Action, wherein a VLD receives a signal S1 which is decoded to obtain quantized DCT coefficient data S2 and control information S3. The control information S3 indicates whether intra-frame or predictive coding was employed. For pictures that were coded predictively, the control information S3 includes motion vectors. (see para. 0085).

The Office Action refers page 7, lines 8-14 of Wu for teaching the element of "converting the motion vector to a full motion vector."

However, a reading of this section reveals that Wu describes a process associated with Figure 4 and that this section is associated with an encoding process.

Applicant believes that the Office Action has taken different aspects of the decoding and encoding processes described in the Wu reference without considering Wu is describing two different processes and that the operations of one process are not applicable to the other process.

A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

In this case, applicant believes that the Office Action has failed to show any motivation in the teachings of Wu to combine elements of an encoding process with that of the decoding process. Rather, the Office Action has merely found statements made in the Wu reference that correspond to elements recited in the independent claims.

With regard to obviousness, the courts have found "[t]he very ease with which the invention can be understood may prompt one to fall victim to the ... effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher." Iron Grip Barbell Company v. USA Sports, Inc., Docket no. 04-1149, Dec. 14, 2004, p. 4, (Fed.Cir. 2004), (quoting In re Kotzab, 217 F.3d 1365, 1369 (Fed. Cir. 2000). "Where an invention is contended to be obvious ... our cases require that there be a suggestion, motivation or teaching ... for such a combination." *Id.* at 5 (quoting In re Fine, at 1074 (Fed. Cir. 1988). "This requirement prevents the use of 'the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability -- the essence of hindsight.'" *Id.* (quoting Ecolochem, Inc. v. So. Cal. Edison Co., 227 F.3d 1361, 1371-1372 (Fed. Cir. 2000), quoting In re Dembiczak, 175 F. 3d 994, 999 (Fed. Cir.1999)).

In this case, applicant believes that because elements of an encoding process are combined with the elements of the decoding process, the statements made in the Wu reference have been impermissibly combined using the teachings of the instant application as a blueprint without any suggestion or reason for such a combination. In

fact, Wu teaches using a compressed, lower resolution, signal to save memory and processing in the encoding and decoding process. Hence, there is no reason for Wu to consider upconverting the lower resolution signal in the decoding process as is recited in the claims.

For at least this reason, applicant submits that the single reference obvious rejection is not valid and respectfully requests that the rejection be withdrawn.

With regard to independent claim 12, this claim recites subject matter similar to that recited in claim 7 and was rejected for the same reason used in rejecting claim 7. Thus, for the remarks made in response to the rejection of claim 7, which are also applicable in response to the rejection of claim 12, and reasserted, as if in full, herein, applicant submits that the reason for rejecting claim 12 has been overcome and the rejection can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

Claims 10, 11 and 14-15 stand rejected under 35 USC 103(a) as being unpatentable over Wu in view of Zhong (US 2002/0163969), which is the same reason for rejecting the claims recited in the prior Office Action.

As the Wu and Zhong references were cited in the prior Office Action in rejecting the aforementioned claims, applicant's remarks regarding these references and the arguments made in the response to the rejection of the claims in a prior Office Action are applicable to the rejection of the claims in the instant Office Action and are reasserted, as if in full, herein.

Notwithstanding the arguments presented, the aforementioned claims are dependent upon independent claims 7 and 12, which have been shown to be allowable over the Wu reference as Wu fails to disclose subject matter recited in the independent claims. Zhong fails to provide any teaching to correct the deficiency found to exist in Wu.

Hence, the aforementioned claims are also allowable based on their dependency from an allowable based claim.

Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Michael Marion
Registration No. 32,266

Date: September 11, 2006

By: Steve Cha
Attorney for Applicant
Registration No. 44,069

Mail all correspondence to:
Michael Marion, Registration No. 32,266
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9608
Fax: (914) 332-0615